

Chapter

General Provisions

- 52.01 Purpose; policy
- 52.02 Definitions
- 52.03 Abbreviations

Use of Public Sewers

- 52.10 Mandatory sewer connections
- 52.11 Unlawful discharge to storm sewers or natural outlets
- 52.12 Compliance with local, state and federal laws
- 52.13 Discharge of unpolluted waters into sewer
- 52.14 Prohibited discharges

Private Wastewater Disposal

- 52.20 Public sewer not available
- 52.21 Requirements for installation

Building Sewers and Connections

- 52.25 Permits
- 52.26 Prohibited connections
- 52.27 Design and Installations
- 52.28 Inspection

Pollutant Discharge Limits

- 52.30 General conditions
- 52.31 Restricted discharges
- 52.32 Dilution of wastewater discharge
- 52.33 Grease, oil and sand interceptors
- 52.34 Special industrial pretreatment requirements
- 52.35 Hauled wastewaters
- 52.36 Protection from accidental and slug discharges
- 52.37 State requirements
- 52.38 City's right of revision
- 52.39 Federal categorical pretreatment standards

Pretreatment Program Administration

- 52.45 Wastewater discharges
- 52.46 Industrial user permits
- 52.47 Permit modifications
- 52.48 Permit conditions
- 52.49 Alternative discharge limits
- 52.50 Permit duration
- 52.51 Permit transfer
- 52.52 Compliance data reporting
- 52.53 Periodic Compliance Reports

Chapter

Pretreatment Program Administration (Cont'd.)

- 52.54 Permit violations
- 52.55 Monitoring requirements
- 52.56 Inspection; sampling
- 52.57 Pretreatment
- 52.58 Annual publication
- 52.59 Significant non-compliance
- 52.60 Confidential information
- 52.61 Signatory Requirements

Sewer Charges, Fees and Surcharges

- 52.70 Purpose
- 52.71 Tap fees
- 52.72 Charges and fees
- 52.73 Fees applicable to hauled wastes

Powers and Authority of Inspectors

- 52.80 Right to enter premises
- 52.81 Right to obtain information regarding discharge
- 52.82 Access to easements
- 52.83 Safety

Enforcement

- 52.90 General
- 52.91 Notice of Violation
- 52.92 Administrative Orders
- 52.93 Show cause hearing
- 52.94 Additional enforcement remedies
- 52.95 Enforcement response plan
- 52.99 Penalties

Appendix A:

Table I. Effluent Discharge Limitations

§ 52.01 PURPOSE; POLICY.

(A) This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the city and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the general Pretreatment Regulations (40 CFR, Part 403).

(B) The objectives of this chapter are:

(1) to prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of

the system or contaminate the resulting sludge;

(2) to prevent the introduction of pollutants into the municipal wastewater system which will pass through the system inadequately treated into receiving waters so as to cause violations of the city's KPDES permit or otherwise to be incompatible with the system;

(3) to improve the opportunity to recycle and reclaim wastewaters and sludges from the system;

(4) to provide for equitable distribution of the cost of the municipal wastewater system; and

(5) to provide for the safety of all treatment plant employees.

(C) This chapter provides for the regulation of direct and indirect contributions to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user sampling and reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(D) This chapter shall apply to the city and to persons outside the city who are, by contract or agreement with the city, users of the city Publicly Owned Treatment Works (POTW). Except as otherwise provided herein, the General Superintendent of the Morehead Utility Plant Board shall administer, implement, and enforce the provisions of this chapter.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96)

§ 52.02 DEFINITIONS.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

"ACT" or "THE ACT." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

"APPROVAL AUTHORITY." The Secretary of the Kentucky Natural Resources and Environmental Protection Cabinet or an authorized representative thereof.

"AGENCY." Any governmental or quasi-governmental entity.

"AMMONIA" or "NH₃-N." The same as ammonia-nitrogen and shall be measured using laboratory procedures in accordance with 40 CFR 136.

"AUTHORIZED REPRESENTATIVE." An authorized representative of a user may be: (1) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation; (2) A general partner or proprietor if the user is a partnership or

proprietorship, respectively; (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the discharge originates. An authorized representative of the city may be any person designated by the city to act on its behalf.

"BASELINE MONITORING REPORT (BMR)." A report submitted by categorical industrial users within one hundred eighty (180) days after the effective date of a categorical standard which indicates the compliance status of the user with the applicable categorical standard (40 CFR 403.12(b)).

"BEST MANAGEMENT PRACTICES (BMPs)." Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5. BMPs include, but are not limited to, treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

"BIOCHEMICAL OXYGEN DEMAND (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° Celsius expressed in terms of weight and concentration in milligrams per liter (mg/l).

"BUILDING DRAIN." That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, water, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside an inner face of the building wall. Conveys sanitary and industrial sewage only.

"BUILDING SEWER." The extension from the building drain to the public sewer or other place of disposal, also called "house connection". Conveys sanitary and industrial sewage only.

"BUILDING SEWER PERMIT." As set forth in "Building Sewers and Connections", §§ 52.25 - 52.28.

"CATEGORICAL INDUSTRIAL USER." An industrial user subject to categorical pretreatment standards which have been promulgated by the U.S. EPA.

"CATEGORICAL PRETREATMENT STANDARDS." National Categorical Pretreatment Standards or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

"CITY." The duly constituted municipal corporation of the City of Morehead, Rowan County, Kentucky, acting by and through its Morehead Utility Plant Board (MUPB), the General Superintendent or their designee.

"CITY ENGINEER." The city engineer of the city, or his authorized deputy, agent or representative. In the absence of a city engineer, the term General Superintendent shall be used.

"CLEAN WATER ACT (CWA)." Also known as the Federal Water Pollution Control Act, enacted by Public Law 92-520. October 18, 1972. 33 U.S.C. 1251 et seq. as amended by PL 95-217. December 28, 1977; PL 97-117 December 29, 1981; PL 97-440, January 8, 1983, and PL 100-04, February 4, 1987.

"COMBINED SEWER." Any conduit designed to carry both sanitary sewage and storm water or surface water.

"COMBINED WASTESTREAM FORMULA (CWF)." Procedure for calculating alternative discharge limits at industrial facilities where a regulated wastestream is combined with other non-regulated wastestreams prior to treatment (40 CFR 403.7).

"COMPATIBLE POLLUTANT." Pollutants identified in the POTW's NPDES/KPDES permit that the POTW is designed to treat and, in fact, does treat so as to ensure compliance with the POTW's NPDES/KPDES permit. The following pollutants may be considered as compatible:

(A) Biochemical Oxygen Demand (BOD);

(B) Total Suspended Solids (TSS);

(C) Fecal coliform bacteria;

(D) Chemical Oxygen Demand (COD);

(E) Total Organic Carbon (TOC);

(F) Ammonia-nitrogen;

(G) Fats, oils and greases of animal or vegetable origin (except in amounts that interfere with the operation of the treatment works; and

(H) Phosphorus and phosphorus compounds.

"CONCENTRATION-BASED LIMIT." An effluent discharge limit based on the relative strength of a pollutant in a wastestream, usually expressed in mg/l.

"CONTROL AUTHORITY." The term "Control Authority" shall refer to the MUPB when there exists an approved Pretreatment Program under the provisions of 40 CFR 403.11.

"COOLING WATER." The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

"DAILY MAXIMUM." The maximum allowable value for any single observation in a given day.

"DILUTE WASTESTREAM." Boiler blowdown, sanitary wastewater, noncontact cooling water and certain process wastestreams that have been excluded from regulation in categorical pretreatment standards

because they contain none or only trace amounts of the regulated pollutant.

"DIRECT DISCHARGE." The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Kentucky.

"DISCHARGE." To emit a substance into the sanitary sewer.

"DISCHARGER." Any person that discharges or causes a discharge to a public sewer.

"DOMESTIC WASTEWATER." The water-carried wastes produced from non-commercial or non-industrial activities and which result from normal human living processes.

"EASEMENT." An acquired legal right for the specific use of land owned by others.

"EFFLUENT." Wastewater, treated or untreated, that flows out of a treatment plant, sewer, or industrial outfall.

"ENVIRONMENTAL PROTECTION AGENCY" or "EPA." The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or their duly authorized official of the agency.

"EQUIPMENT." All movable, non-fixed items necessary to the wastewater treatment process.

"FECAL COLIFORM." Any of a number of organisms, common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.

"FLOATABLE OIL." Any oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in a pretreatment facility approved by the MUPB.

"FLOW PROPORTIONAL COMPOSITE SAMPLE." Combination of individual samples proportional to the flow of the wastestream at the time of sampling.

"FLOW WEIGHTED AVERAGING FORMULA (FWA)." A procedure used to calculate alternative limits for a categorical pretreatment standard where regulated and nonregulated wastestreams combine after treatment, but prior to the monitoring point as defined in 40 CFR 403.

"GARBAGE." The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

"GENERAL SUPERINTENDENT." The General Manager of the Morehead Utility Plant Board of the city or his authorized deputy, agent or representative who has been designated as Pretreatment Coordinator.

"GRAB SAMPLE." A sample which is taken from a wastestream on a one-time basis with no regard to the flow in the wastestream and without consideration of time.

"HOLDING TANK WASTE." Any waste from holding tank such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

"INCOMPATIBLE POLLUTANT." All pollutants other than compatible pollutants as defined (see "compatible pollutant" above).

"INDIRECT DISCHARGE." The discharge or the introduction of non-domestic pollutants from any source regulated under section 307 (b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

"INDUSTRIAL USER (IU)." A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Clean Water Act.

"INDUSTRIAL USER PERMIT (IUP)." A permit issued to industrial users which authorizes discharges to the public sewer as set forth in the administration section of this chapter.

"INDUSTRIAL WASTEWATER." The wastewater from industrial or commercial processes as distinct from domestic or sanitary wastes.

"INFILTRATION." The water entering a sewer system, including building drains and sewers, from the ground through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include, and is distinguished from, inflow.

"INFILTRATION/INFLOW." The total quantity of water from both infiltration and inflow without distinguishing the source.

"INFLOW." The water discharged into a sewer system, including building drains and sewers, from such sources as, but not limited to, roof leaders, basements, cellars, yard and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers, combined sewers, catch basins, storm waters, surface run-off, street wash waters or drainage. Inflow does not include, and is distinguished from, infiltration.

"INFLUENT." Water, wastewater, or other liquid flowing into a reservoir, basin, or treatment plant.

"INSPECTOR." The person or persons duly authorized by the city to inspect and approve: (i) the installation of building sewers and their connection to the public sewer system; and (ii) to perform inspections for the Morehead Pretreatment Program as required by 40 CFR 403.

"INTERCEPTOR." A device designed and installed so as to separate and retain deleterious, hazardous, or undesirable matter from normal wastes which permits normal sewage or liquid wastes to discharge into the sewer or drainage system by gravity. Interceptor as defined herein

is commonly referred to as a grease, oil, or sand trap.

"INTERFERENCE." A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

2) Therefore is a cause of a violation of any requirement of the POTW's NPDES/KPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act (40 CFR 403.3).

"MAY." This is permissive (see "shall").

"MONTHLY AVERAGE." The maximum allowable value for the average of all observations obtained during one month.

"MULTIJURISDICTIONAL AGREEMENT." An agreement and/or contract between governmental or other entities that authorizes the Control Authority to impose and enforce pretreatment program standards and requirements on every nondomestic user contributing wastewater to the Control Authority's collection system.

"MULTI-UNIT SEWER CUSTOMER." A location served where there are two (2) or more residential units or apartments, two or more businesses in the same building or complex, or where there is any combination of business and residence in the same building or complex. Each resident or business shall be considered as a separate customer.

"NATIONAL CATEGORICAL PRETREATMENT STANDARD" or "PRETREATMENT STANDARD." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Clean Water Act which applies to a specific category of industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

"NATIONAL (OR KENTUCKY) POLLUTANT DISCHARGE ELIMINATION SYSTEM" or "NPDES/KPDES PERMIT." A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1332), or a permit issued by the Commonwealth of Kentucky under this authority and referred to as KPDES.

"NATURAL OUTLET." Any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

"NEW SOURCE." Any building, structure, facility or installation

from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(A) The building, structure, facility or installation is constructed at a site at which no other source is located; or

(B) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or,

(C) The production of wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

"NINETY (90) DAY COMPLIANCE REPORT." A report submitted by a categorical industrial user, within 90 days following the date for final compliance with applicable categorical standards that documents and certifies the compliance status of the user (40 CFR 403.12(d)).

"ORDINANCE." This chapter, unless otherwise specified.

"PASS THROUGH." A discharge of pollutant or pollutants which cannot be treated adequately by the POTW, and therefore exits into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES/KPDES permit (including an increase in the magnitude or duration of a violation) (40 CFR 403.3).

"PERIODIC COMPLIANCE REPORT." A report on compliance status submitted by significant industrial users to the Control Authority at least semiannually (40 CFR 403.12(e)).

"PERSON." Any individual, property owner, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estates, governmental entity or any other legal entity, or their legal representatives, agent or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

"pH." The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.

"POLLUTANT." Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical, wrecked or

discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

"POLLUTION." The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

"POTW TREATMENT PLANT." That portion of the POTW designed to provide treatment to wastewater.

"PRETREATMENT" or "TREATMENT." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes, by other means, except as prohibited by 40 CFR Section 403.6(d).

"PRETREATMENT REQUIREMENTS." Any substantive or procedural requirement related to pretreatment, other than a National Categorical Pretreatment Standard imposed on a significant industrial user.

"PRIVATE SEWER." A sewer which is not owned by public authority.

"PROCESS WASTEWATER." Any water which, during manufacturing or processing, comes into direct contact with or results from the production of or use of any raw material, intermediate product, finished product, by-product, or waste product.

"PRODUCTION-BASED STANDARD." A discharge limitation expressed in terms of allowable pollutant mass discharge rate per unit of production and is applied directly to an industrial user's manufacturing process.

"PROHIBITIVE DISCHARGE STANDARD." Any regulation developed under the authority of 307 (b) of the Act and 40 CFR, Section 403. (5).

"PROPERLY SHREDDED GARBAGE." The wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

"PUBLICLY OWNED TREATMENT WORKS (POTW)." A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant but does not include pipes, sewers, or other conveyance not connected to a facility providing treatment. For the purpose of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are, by contract or agreement with the city, users of the city's POTW.

"PUBLIC SEWER." A common sewer controlled by a governmental agency or public utility. The public sewer shall include the main sewer in the

street and the service branch to the curb or property line, a main sewer on private property and the service branch to the extent of ownership by public authority, and the following:

(A) Collector Sewer - a sewer whose primary purpose is to collect wastewaters from individual point source discharges;

(B) Interceptor Sewer - a sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility;

(C) Force Main - a pipe in which wastewater is carried under pressure; and

(D) Pumping Station - a station positioned in the public sewer system at which wastewater is pumped to a higher elevation.

"REGULATED WASTESTREAM." An industrial process wastestream regulated by a National Categorical Pretreatment Standard.

"SANITARY SEWER." A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions and carries only domestic and industrial wastewater and to which storm, surface and ground waters are not intentionally admitted.

"SEWAGE." The spent water of a community. Domestic or sanitary waste shall mean the liquid or water-borne wastes from residences, commercial buildings and institutions as distinct from industrial sewage. The terms "sewage" and "wastewater" are used interchangeably. The term "combined sewage" shall mean wastewater including sanitary sewage, industrial sewage, storm water, infiltration and inflow carried to the wastewater treatment facilities by a combined sewer.

"SEWER." A pipe or conduit that carries wastewater or drainage water.

"SEWERAGE." Any and all facilities used for collecting, conveying, pumping, treating and disposing of wastewater.

"SEWER USER CHARGES." A system of charges levied on users of a POTW for the cost of operation and maintenance, including replacement, of such works.

"SEWER SYSTEM" or "WORKS." All facilities for collecting, transporting, pumping, treating and disposing of sewage and sludge, namely the sewerage system and POTW.

"SHALL." Is mandatory (see "may").

"SIGNIFICANT INDUSTRIAL USER (SIU)."

(A) Defined by federal regulations as:

(1) All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and

(2) Any noncategorical user that (i) discharges 25,000 gallons per day or more of process wastewater ("process wastewater" excludes sanitary noncontact cooling, and boiler blowdown wastewaters), or (ii) contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the treatment plant or (iii) has a reasonable potential, in the opinion of the Control or Approval Authority, to adversely affect the POTW treatment plant (i.e., cause inhibition, pass through of pollutants, sludge contamination or endangerment of POTW workers) or violate any requirements of this chapter.

(B) The MUPB may determine that an industrial user subject to Categorical Pretreatment Standards is a "NON-SIGNIFICANT CATEGORICAL INDUSTRIAL USER" rather than a significant industrial user on a finding that the industrial user never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met: (1) The industrial user, prior to the MUPB's finding, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements; (2) The industrial user annually submits the certification statement required in 40 CFR 403.12(q) together with any additional information necessary to support the certification statement; and (3) The industrial user never discharges any untreated concentrated process wastewater.

(C) Upon a finding that a user meeting the criteria in this section has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement the MUPB may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

"SLUG DISCHARGE." Any discharge of a non-routine episodic nature including, but not limited to, an accidental spill or non-customary batch discharge or any discharge of water or wastewater in which the concentration of any given constituent or quantity of flow exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow rate during normal operation which adversely affects the POTW.

"SLUG LOAD." Any pollutant (including Biochemical Oxygen Demand) released in a discharge at a flow rate or concentration which will cause interference with the operation of the treatment works or which exceeds limits set forth in the industry's industrial user permit (including accidental spills).

"SPILL PREVENTION AND CONTROL PLAN." A plan prepared by an industrial user to minimize the likelihood of a spill and to expedite control and cleanup activities should a spill occur.

"SPLIT SAMPLE." Portion of a collected sample given to the industry or to another agency to verify or compare laboratory results.

"STANDARD INDUSTRIAL CLASSIFICATION (SIC)." A classification scheme based on the type of industry or process at a facility.

"STANDARD METHODS." The examination and analytical procedures set forth in the latest revisions of "Standard Methods for the Examination of Water and Wastewater," published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation and as set forth in the Congressional Record 40 CFR 136.

"STATE." Commonwealth of Kentucky.

"STORM DRAIN" or "STORM SEWER." A drain or sewer for conveying water, groundwater, surface water, or unpolluted water from any source, excluding domestic and industrial wastewater.

"STORM WATER." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

"SURCHARGE." A charge for service in addition to the basic sewer user and debt service charges, for those users whose contributions contain biochemical oxygen demand (BOD₅), Chemical Oxygen Demand (COD), Total Suspended Solids (TSS), Oil & Grease or Ammonia-nitrogen (NH₃-N) in concentrations which exceed limits specified herein for such pollutants. Where authorized by the control authority, payment of a surcharge will authorize the discharge of the referenced pollutants so long as the discharge does not cause pass through or interference.

"TOTAL SUSPENDED SOLIDS (TSS)." Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater".

"TIME PROPORTIONAL COMPOSITE SAMPLE." Combination of individual samples with fixed volumes taken at specific time intervals.

"TOXIC ORGANIC MANAGEMENT PLAN." Written plan submitted by industrial users as an alternative to TTO monitoring, which specifies the toxic organic compounds used, the method of disposal used and procedures for assuring that toxic organics do not routinely spill or leak into wastewater discharged to the POTW.

"TOXIC POLLUTANT." Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA Section 307 (a) or any amendments thereto.

"UNPOLLUTED WATER." Water of quality equal to or better than the treatment works effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities.

"UNREGULATED WASTESTREAM." A wastestream that is not regulated by National Categorical Pretreatment Standards.

"USER." Any person who contributes, causes or permits the contribution of wastewater into the POTW.

"VOLATILE ORGANIC MATTER." The material in the sewage solids transformed to gases or vapors when heated to 500 degrees Celsius for 20 minutes.

"WASTEWATER." The spent water of a community derived from human and industrial sources, including domestic and industrial wastewaters. Rainwater, groundwater or drainage of unpolluted waters is excluded.

"WASTEWATER FACILITIES." The structures, equipment, and processes required to collect, carry away, treat domestic and industrial wastes, and dispose of the effluent.

"WASTEWATER TREATMENT WORKS." An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant" or "sewage treatment plant".

"WATERCOURSE." A natural or artificial channel for the passage of water either continuously or intermittently.

"WATERS OF THE STATE." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96; Am. Ord. 02:2012, passed 1-25-12)

§ 52.03 ABBREVIATIONS.

The following abbreviations shall have the designated meaning:

ADMI	- American Dye Manufacturers Institute
ASTM	- American Society for Testing and Materials
BMP	- Best Management Practices
BOD	- Biochemical Oxygen Demand
BPJ	- Best Professional Judgment
CFR	- Code of Federal Regulations
CIU	- Categorical Industrial User
COD	- Chemical Oxygen Demand
CWA	- Clean Water Act (33 USC 1251 et seq.)
CWF	- Combined Wastestream Formula
EPA	- Environmental Protection Agency
ERP	- Enforcement Response Plan
FWA	- Flow Weighted Average
FR	- Federal Register
GC	- Gas Chromatography
GC/MS	- Gas Chromatography/Mass Spectroscopy
gpd	- gallons per day
IU	- Industrial User

KPDES - Kentucky Pollution Discharge Elimination System
l - Liter
mg - Milligrams
mg/l - Milligrams per liter
MUPB - Morehead Utility Plant Board
NPDES - National Pollutant Discharge Elimination System
POTW - Publicly Owned Treatment Works
QA - Quality Assurance
QC - Quality Control
RCRA - Resource Conservation and Recovery Act
SIC - Standard Industrial Classification
SIU - Significant Industrial User
SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
TOMP - Toxic Organics Management Plan
TSS - Total Suspended Solids
TTO - Total Toxic Organics
USC - United States Code

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96)

USE OF PUBLIC SEWERS

§ 52.10 MANDATORY SEWER CONNECTIONS.

(A) The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is (are) hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so, provided that the public sewer is within one hundred (100) feet (30.5 meters) of the property line.

(B) It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater where public sanitary sewer service is available, as defined in paragraph (A), except as provided for in §§ 52.20 - 52.21.

(C) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer system within sixty (60) days in compliance with this chapter, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material or salvaged and removed.

(D) No unauthorized person(s) shall remove any sanitary sewer manhole covers in the city's sanitary sewer collection system unless written permission is first obtained from the General Superintendent or his designee. Any violation of the above provision shall be subject to any and all civil and criminal penalties as outlined under §§ 52.90 - 52.95 and the penalty provisions outlined in § 52.99.

(Ord. 14:1995, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96)

§ 52.11 UNLAWFUL DISCHARGE TO STORM SEWERS OR NATURAL OUTLETS.

(A) It shall be unlawful for any person to place, deposit, or permit to be deposited any pollutant in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the Morehead Utility Plant Board (MUPB), except in compliance with the provisions of this chapter.

(B) It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the MUPB, any wastewater or other polluted waters, except where suitable treatment or management has been provided in accordance with subsequent provisions of this chapter. No provision of this chapter shall be construed to relieve the owner of a discharge to any natural outlet or the responsibility for complying with applicable state and federal regulations governing such discharge.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96)

§ 52.12 COMPLIANCE WITH LOCAL, STATE, AND FEDERAL LAWS.

The discharge of any wastewater into the public sewer system by any person is unlawful except in compliance with the provisions of this chapter, and any more stringent state or federal standards promulgated pursuant to the Federal Water Pollution Control Act Amendments of 1972, the Clean Water Act of 1977, and subsequent amendments, and 40 CFR 403. (Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96)

§ 52.13 DISCHARGE OF UNPOLLUTED WATERS INTO SEWER.

(A) No persons shall discharge or cause to be discharged, through any leak, defect, or connection any unpolluted waters such as storm water, groundwater, roof runoff, or subsurface drainage to any sanitary sewer, building sewer, building drain or building plumbing. The General Superintendent or his representative shall have the right, at any time, to inspect the inside or outside of buildings or smoke test for connections, leaks, or defects to building sewers and require disconnection or repair of any pipes carrying such water into the building sewer. No sanitary drain sump or sump pump discharge by manual switch-over of discharge connection shall have a dual use for removal of such water.

(B) The owners of any building sewers having such connections, leaks, or defects shall bear all costs incidental to removal of such sources.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96)

§ 52.14 PROHIBITED DISCHARGES.

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the performance of the POTW or cause pass-through of a pollutant(s) to the receiving stream. These general prohibitions apply to all such users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state, or local

pretreatment standards or requirements. A user shall not contribute the following substances to the POTW:

(A) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall the wastewater exhibit a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.

(B) Any waters or wastes having a pH lower than 5.0 or higher than 10.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the POTW.

(C) Any slug load of pollutants, including oxygen demanding pollutants (BOD, etc.), released at a flow rate and/or concentration that will cause interference with the normal operation of the POTW.

(D) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities, such as, but not limited to, ashes, cinders, sand, rocks, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unshredded garbage, whole blood, paunch manure, hair and flesh, entrails, paper products such as cups, dishes, napkins, and milk containers, etc.

(E) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW exceeds 40°C (104°F).

(F) Any pollutant(s) which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(G) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludge, or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guideline, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(H) Any substance which will cause the POTW to violate its NPDES/KPDES permit and/or sludge disposal system permit.

(I) Any trucked or hauled pollutants except at discharge points designated by the General Superintendent.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96; Am. Ord. 02:2012, passed 1-25-12)

PRIVATE WASTEWATER DISPOSAL

§ 52.20 PUBLIC SEWER NOT AVAILABLE.

(A) Where a public sanitary sewer is not available under the provisions of §§ 52.10 - 52.14, the building sewer shall be connected, until the public sewer is available, to a private wastewater disposal system complying with the provisions of the Rowan County Health Department and all applicable local and state regulations.

(B) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

(C) No statement contained in this subchapter shall be construed to interfere with any additional requirements that may be imposed by applicable local or state regulations.

(D) Holders of NPDES/KPDES permits may be excepted from this section. Industries with current NPDES/KPDES permits may discharge at permitted discharge points provided they are in compliance of the issuing authority.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96)

§ 52.21 REQUIREMENTS FOR INSTALLATION.

(A) The type, capacity, location, and layout of a private sewage disposal system shall comply with all local or state regulations.

(B) A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the local and state authorities.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96)

BUILDING SEWERS AND CONNECTIONS

§ 52.25 PERMITS.

(A) There shall be two (2) classes of building sewer permits required: (1) for residential and commercial service, and (2) for service to industrial establishments. In either case, the owner(s) or his agent shall make application on a special form furnished by the city. Applicants for service to commercial and industrial establishments shall be required to furnish information about all waste producing activities, wastewater characteristics and constituents. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the General Superintendent. Details regarding commercial and industrial permits include but are not limited to those required by this chapter. Permit and inspection fees shall be paid to the city at the time the application is filed and shall be as set forth in the city's schedule of charges and fees.

(B) Users shall promptly notify the MUPB at least thirty (30) days in advance of any introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW. The General Manager may deny or condition the new introduction or change in discharge based upon the information submitted in the notification or additional information as may be requested.

(C) No person(s) shall uncover, plug or make, any connection with or opening into, use, alter, or disturb any public sanitary or combined sewer or appurtenance thereof without first obtaining written permission from the General Superintendent. Any violation of the above provision shall be subject to any and all civil and criminal penalties as outlined under §§ 52.90 - 52.95 and the penalty provisions outlined in § 52.99.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96; Am. Ord. 02:2012, passed 1-25-12)

§ 52.26 PROHIBITED CONNECTIONS.

(A) No person shall make connection of roof downspouts, basement wall seepage or floor seepage, exterior foundation drains, areaway drains, or other surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Any such connections which already exist on the effective date of this chapter shall be completely and permanently disconnected within sixty (60) days of the effective date of this chapter. The owners of any building sewers having such connections, leaks or defects shall bear all costs incidental to removal of such sources. Pipes, sumps, and pumps for such sources of ground and surface water shall be separate from wastewater facilities. Removal of such sources of water without presence of separate facilities shall be evidence of drainage to public sanitary sewer.

(B) Floor, basement or crawl space drains which are lower than ground surfaces surrounding the building shall not be connected to the building sanitary sewer. No sanitary inlet which is lower than six (6) inches above the top of the two adjacent public sanitary sewer manholes shall be connected by direct drainage to the building sanitary sewer.

(C) Construction of new combined sewers and the introduction of inflow sources to the sanitary sewer system is strictly prohibited by this chapter. All new construction tributary to the combined sewer system must be designed such that inflow contribution to the combined sewer system is minimized and/or delayed as much as is possible. The domestic waste connection(s) of any new buildings constructed after the effective date of this chapter must be distinct from the building inflow connection in order to facilitate disconnection if a storm sewer becomes available.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96)

§ 52.27 DESIGN AND INSTALLATIONS.

(A) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway. The sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any single connection aforementioned.

(B) Old building sewers may be used in connection with new buildings only when they are found, on examination and testing by the General Superintendent or his designee, to meet all requirements of this chapter. If the old service is determined to not be suitable for further use, the owner shall pay the cost for a new permit, tap or services as may be required to serve the new building. Permit and inspection fees for new buildings using existing building sewers shall be the same as for new building sewers. If additional sewer customers are added to the old building sewers, additional sewer tap fees shall be

charged accordingly even though no new sewer tap is actually made into the city system.

(C) Extension of customer service lines from any point on the customer's side of the tap for delivery of waste from any location other than that of the customer in whose name the tap is registered shall not be permitted.

(D) The building sewer shall be cast iron soil pipe, ASTM A-74, latest revision, PVC (polyvinyl-chloride) sewer pipe, ASTM D-3034, latest revision, unglazed clay sewer pipe, ASTM C-261, latest revision, vitrified clay sewer pipe, ASTM C-700, latest revision, or ductile iron pipe, AWWA Specification C-151 cement lined, and shall meet requirements of the state plumbing code. Joints shall be as set out hereinafter. Any part of the building sewer that is located within five feet of a water service pipe shall be constructed with cast iron soil pipe or ductile iron pipe, unless the building sewer is at least one foot deeper in the ground than the water service line. In the latter case, vitrified clay pipe may be used. Cast iron soil pipe or ductile iron pipe may be required by the city where the building sewer is exposed to damage or stoppage by tree roots. Cast iron soil pipe or ductile iron pipe shall be used in filled or unstable ground, in areas where the cover over the building sewer is less than three feet, or in areas where the sewer is subject to vehicular or other external loads.

(E) The size, slope, alignment, and materials used in the construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the local and state building and plumbing codes and other applicable rules and regulations of the city.

(F) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the city for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Fees for connection shall be as established by the city.

(G) The owner shall ensure that all excavation for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(H) In all buildings in which any sanitary facility drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by an approved means and discharged to the same building sewer. Drain pipe and sump for collection of such sanitary drainage shall be above the basement floor or in separately watertight or drained sump or channel.

(I) The building sewer shall be connected into the public sewer at the easement or property line. Where no properly located service branch

is available, an authorized agent of the city shall cut a neat hole into the main line of the public sewer and a suitable wye or tee saddle installed to receive the building sewer. The invert of the building sewer at such point of connection with a saddle shall be in the upper quadrant of the main line of the public sewer. A neat workmanlike connection, not extending past the inner surface of the public sewer, shall be made and the saddle made secure and watertight by encasement in epoxy cement specially prepared for this purpose. A wye and H bend fitting shall be installed at the property line between the public sewer and the building sewer. This fitting shall serve the purpose of a cleanout and for applying the smoke test during inspection of the line. After testing, a cast iron or ductile iron riser will be inserted in this fitting and brought flush with the ground surface. A stopper or plug, outfitted with a type joint applicable to the pipe used, shall seal this riser against the intrusion of ground or surface water.

(J) All building sanitary sewer lines will be installed so as to meet or exceed the most current revision of the State Plumbing Code.

(K) All persons working on city sewers with a cleaning rod must use an approved type rod in cleaning sewer connections to city sewers.

(L) Sewer taps shall not be allowed for structures where the lowest floor to be connected to the sewer is below the surface level of the nearest existing downstream manhole cover.

(M) Property owners shall be responsible for maintaining sewer lines, including sewer taps, from the building connection to the main sewer lines in all instances where a clean out is not provided at the end of the tap at the property line, or to the service branch on the public sewer where such public sewer exists within an easement on private property.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96)

§ 52.28 INSPECTION.

(A) The applicant for the building sewer permit shall notify the General Superintendent when the building sewer is ready for connection to the public sewer. The connection shall be made under the supervision of the General Superintendent or his representative. The connections shall be made gastight and watertight and verified by proper testing.

(B) All building sewers shall be smoke tested through the wye branch at the public sewer connection, with public sewer tightly plugged off, after connections at both ends are made and after all pipe is properly bedded and backfilled at least to top of pipe and if backfill is completed, within two weeks after completion of backfill. At time of test, any openings into the building drain inside the building shall be water trapped or plugged. Any leakage of smoke from building sewer or building drain and plumbing shall be located at test and repaired to stand repetition of smoke test without leakage. When smoke testing is completed, the temporary flow line plug shall be removed and a permanent water tight plug shall be placed in branch of test wye-branch and

carefully backfilled by hand and tamped to at least six (6) inches above the top of the branch.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96)

POLLUTANT DISCHARGE LIMITS

§ 52.30 GENERAL CONDITIONS.

The following described substances, materials, waters, or wastes shall be limited in discharges to the Morehead sanitary sewer system to concentrations or quantities which: (i) will not harm either the sewers, wastewater treatment process or equipment, (ii) will maintain and protect water quality in the receiving stream, and (iii) will not otherwise endanger lives, limb, public property, or constitute a nuisance. The General Superintendent may set additional limitations or limitations more stringent than those established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability of a discharge, the General Superintendent shall give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, and other pertinent factors.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96)

§ 52.31 RESTRICTED DISCHARGES.

(A) Wastewater containing more than fifty (50) milligrams per liter of petroleum oil, nonbiodegradeable cutting oils, or products of mineral oil origin.

(B) Wastewater containing floatable oils, fat, or grease, whether emulsified or not, in excess of one hundred and fifty milligrams per liter (150 mg/l) or containing substances which may solidify or become viscous at temperatures 32o-150o (0-65oC).

(C) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, motels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers. Ground paper products such as cups, dishes, napkins, and milk containers shall not be discharged to the sewer system.

(D) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants which injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, causes the city to violate the terms of its KPDES permit, prevents the use of acceptable sludge disposal methods, or exceed a limitation set forth in a Categorical Pretreatment Standard.

(E) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the city in compliance

with applicable state and federal regulations.

(F) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

(G) Any wastewater with a color level above 600 ADMI, unless specifically noted in the industrial user permit (IUP).

(H) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed to the extent required by the city's NPDES/KPDES permit.

(I) Any waste(s) or wastewater(s) classified as a hazardous waste by the Resource Conservation and Recovery Act (RCRA) without a sixty (60) day prior notification of such discharge to the General Superintendent. This notification must include the name of the hazardous waste, the EPA hazardous waste number, type of discharge, volume/mass of discharge and time of occurrence(s). The General Superintendent may prohibit or condition the discharge(s) at any time.

(J) (1) Any water or wastes which have characteristics based on a twenty-four (24) hour composite sample, grab or a shorter period composite sample, if more representative, that exceed the following normal maximum domestic wastewater parameter concentrations:

Parameter	Maximum Allowable Concentration Without Surcharge Fee Assessment
BOD	250 mg/l
COD	750 mg/l
TSS	300 mg/l
NH ₃ -N	30 mg/l
Oil & Grease (total)	150 mg/l

(2) Any person discharging wastewater exceeding the maximum allowable concentration as noted above, will be subject to a surcharge fee for each pound loading over and above the allowable concentration. Any other amenable constituents requiring the addition of specific chemicals for proper treatment will also be subject to surcharge as noted on the industrial user permit. Exceedance of the effluent limits specified above shall not be deemed to constitute a violation of a permit condition or this ordinance if the appropriated surcharge fee is paid and the discharge does not cause interference or pass-through of the POTW.

(K) The General Manager of the MUPB is authorized to establish local limits pursuant to 40 CFR 403.5(c). The discharge limitations as established by Appendix A, Table 1 are for characteristics of any wastewaters to be discharged into the municipal sewer system, subject to any compliance schedule as established in the industrial user permit. All significant industrial users must comply with these limitations where they are more stringent than applicable state and federal regulations. Based upon the sampling program at the Morehead

Wastewater Treatment Plant, the discharge limitations may be adjusted to reflect the POTW's needs.

(L) The MUPB has received authority through the U.S. EPA and state statutes to enforce the requirements of 40 CFR Chapter I, Subchapter N, Parts 405 - 471 and 40 CFR Part 403. All users shall comply with the requirements of those regulations. The MUPB General Manager and/or his designee may develop Best Management Practices (BMPs) by ordinance or in individual wastewater discharge permits to implement local limits and the requirements of this chapter. (Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96; Am. Ord. 20:98, passed 10-12-98; Am. Ord. 02:2012, passed 1-25-12)

§ 52.32 DILUTION OF WASTEWATER DISCHARGE.

No user shall ever increase the use of process water or in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any pollutant specific limitation developed by the city or state. (Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96)

§ 52.33 GREASE, OIL, AND SAND INTERCEPTORS.

Grease, oil and sand interceptors shall be provided when, in the opinion of the General Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the General Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal. The city may require reporting of such information for their review. Any removal and hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms. Interceptors shall also comply with applicable regulations of the Rowan County Health Department. If any defects or malfunctions are discovered with the installed grease, oil, and sand interceptor units, the General Superintendent or his designee will notify the owner of said problem and owner shall rectify said problem within 120 days of its notification. Failure to rectify the situation either by repairing the defective or malfunctioning unit or by replacing said unit within one hundred twenty (120) days of the notification of the defect, shall result in penalties as provided in the penalty section of this chapter. (Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96; Am. Ord. 10:2001, passed 4-09-01)

§ 52.34 SPECIAL INDUSTRIAL PRETREATMENT REQUIREMENTS.

(A) Pursuant to the requirements imposed on publicly owned wastewater treatment works by the Federal Water Pollution Control Act

Amendments of 1972 and later amendments, all Pretreatment Standards promulgated by the U.S. Environmental Protection Agency for new and existing industrial dischargers to public sewer systems are hereby made a part of this chapter. Any industrial waste discharge which violates these EPA Pretreatment Standards shall be in violation of this chapter.

(B) Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, the industry shall be solely responsible for the continued maintenance in satisfactory and effective

operation of such facilities and at their expense. The city may agree to assume these responsibilities if proper and appropriate arrangements for reimbursement of costs are made.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96)

§ 52.35 HAULED WASTEWATERS.

(A) Any person who transports septic tank, seepage pit or cesspool contents, liquid industrial waste or other batch liquid waste and wishes to discharge such waste to the public sewer system shall first have a valid hauled waste discharge permit. All applicants for a hauled waste discharge permit shall complete the application form, pay the appropriate fee, and receive a copy of this chapter. All persons receiving such permits shall agree, in writing, to abide by all applicable provisions of this chapter, and any other special provisions that may be established by the city as necessary for the proper operation and maintenance of the sewerage system.

(B) Discharge of septic tank, seepage pit, interceptor or cesspool contents, or other wastes containing no industrial wastes may be made by trucks holding a valid permit at a manhole designated by the General Superintendent for that purpose. Discharge of truck-transported grease trap contents or industrial wastewater shall take place only after notification is made to the General Superintendent and then only at the locations specified by the General Superintendent. MUPB requires payment as herein after provided for treatment and disposal costs.

(C) The MUPB reserves the right to refuse permission to discharge any waste that may cause interference or upset at the POTW, or any waste that violates any provision of this chapter.

(D) Any person holding a valid permit and wishing to discharge to the POTW may be required to submit to the plant supervisor a sample of each load prior to discharge.

(E) It shall be illegal to discharge any batch liquid waste into any manhole or other part of the public sewer system, or any building sewer or other facility that discharges to the public sewer system, except at designated points of discharge specified by the General Superintendent for such purpose.

(F) Any liquid waste hauler illegally discharging to the public sewer system or discharging wastewater not authorized in the permit shall be subject to immediate revocation of discharge privileges and further subject to the penalties and enforcement actions prescribed in §52.99, including fines and imprisonment. A suspended permittee shall immediately cease discharging any wastes to the sanitary sewer system of the city or to facilities that discharge directly or indirectly into its system. Should a suspended permittee fail to voluntarily comply with any suspension order, the General Superintendent shall take such actions as are deemed necessary or appropriate to prevent or minimize damage to the POTW and/or to protect the health and welfare of the general public.

(G) A suspended permit may be reinstated by the General Superintendent upon submission of assurances satisfactory to the General Superintendent that the suspended permittee will comply with this chapter and the rules and regulations promulgated pursuant to this section plus payments of fine or other penalties as may be levied by the MUPB. The General Superintendent shall require that within fifteen (15) days after the date of any such occurrence, the suspended permittee to submit a written report to the MUPB detailing the nature and extent of the violation(s), including any nonpermitted discharges, and the measures taken by the suspended permittee to prevent any future occurrence.

(H) Waste haulers who have been granted permission to discharge to the public sewer system shall pay fees for such discharge in accordance with a fee schedule established by the General Superintendent and approved by the city. The Morehead Utility Plant Board shall establish, and from time to time may alter, a schedule of fees, rates and charges for the hauled waste discharge permit to cover the costs of treatment and disposal of all wastes governing permit issuance, requirements, conditions, suspensions and all other matters necessary or appropriate to implement this section.

(I) Only wastes approved by the General Superintendent and originating from within the city or Rowan County shall be allowed under this permit. Dumping hours shall be fixed by the General Superintendent and shall be limited to 6:00 a.m. to 6:00 p.m., local time, Monday through Saturday, excluding recognized MUPB holidays. Dumping after hours or on holidays may be allowed by permission only from the operator on duty at the MUPB wastewater treatment plant.

(J) The permittee shall complete a load report for each load of waste deposited into the city's sewer system. The information on the load report shall be recorded and signed by an employee of the permittee, or the permittee himself, and shall be in duplicate on forms furnished by the MUPB. The original copy of all load reports, a summary monthly report and accompanying payment based upon twenty-three dollars and sixty-five cents (\$23.65) per fifteen hundred (1,500) gallons of approved liquid waste plus fifty dollars (\$50.00) per fifteen hundred (1,500) gallons for contents from grease traps which were discharged into the city's sewer system for the previous month, shall be submitted to the General Superintendent or his designee by the fifteenth (15th) day of the month following the discharge.

(K) Discharge of all liquid wastes allowed under this section shall take place only at the location(s) designated by the General Superintendent. The designated location or manhole to be used under the hauled waste discharge permits may be changed by the General Superintendent as deemed necessary.

(L) The discharge of trucked and/or hauled wastes from industrial plating processes or radiator businesses is prohibited by this chapter.

(M) Nothing in this chapter shall relieve waste haulers of the
1996 S-18

responsibility for compliance with Rowan County Health Department, state or federal regulations.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96)

§ 52.36 PROTECTION FROM ACCIDENTAL AND SLUG DISCHARGES.

(A) (1) Each significant industrial user shall provide protection from accidental and/or slug discharges of prohibited materials or other substances regulated by this chapter which adversely affects the POTW. Facilities to prevent accidental and/or slug discharges of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Once every two (2) years, the General Superintendent will determine whether each industrial user needs to develop or update a plan to control slug discharges. If the General Superintendent determines that a slug control plan or revision is necessary, the plan shall contain the following:

- (a) Description of discharge practices
- (b) Description of stored chemicals
- (c) Procedures for notifying POTW
- (d) Prevention procedures for spills

(2) In the case of all possible or actual accidental and/or slug discharges, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(B) Written notice. Within five (5) days following an accidental discharge, the user shall submit to the General Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of a damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this subchapter, the Enforcement Response Plan, or other applicable law.

(C) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such dangerous discharge to occur are advised of the emergency notification procedure. (Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96)

§ 52.37 STATE REQUIREMENTS.

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and

limitations or those in this chapter.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96)

§ 52.38 CITY'S RIGHT OF REVISION.

The city reserves the right at the recommendation of the General Superintendent to establish by majority vote of the Morehead Utility Plant Board, more stringent limitations, or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in this chapter.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96)

§ 52.39 FEDERAL CATEGORICAL PRETREATMENT STANDARDS.

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96)

PRETREATMENT PROGRAM ADMINISTRATION

§ 52.45 WASTEWATER DISCHARGES.

(A) It shall be unlawful to discharge to the POTW any wastewater except as authorized by the city in accordance with the provisions of this chapter.

(B) Any agency, nondomestic user, and/or industry outside the jurisdiction of the city that desires to contribute wastewater to the POTW must submit to the MUPB (through an authorized representative) a pretreatment questionnaire and discharge permit application. Submittal of the application shall be deemed agreement to abide by the terms of the Morehead Pretreatment Program and an industrial user permit may then be issued by the General Superintendent in accordance with § 52.46.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96)

§ 52.46 INDUSTRIAL USER PERMITS.

(A) General. All significant industrial users proposing to connect to or to contribute to the POTW shall obtain an industrial user permit before connecting to or contributing to the POTW.

(B) Permit application. Users required to obtain an industrial user permit shall complete and file with the MUPB, an application in the form prescribed by the MUPB. New users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW. Existing permit holders shall apply no later than sixty (60) days prior to expiration of the permit. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

(1) Name, address, and location if different from the address;

(2) SIC number(s) according to the Standard Industrial Classification Manual, United States Bureau of the Budget, 1972, as amended;

(3) Wastewater constituents and characteristics as determined by an analytical laboratory acceptable to the city; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136, as amended;

(4) Time and duration of contribution;

(5) Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variation if any;

(6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;

(7) Description of activities, facilities, and plant processes on the premises including all materials which are or could be discharged;

(8) Where known, the nature and concentration of any pollutants in the discharge which are limited by the city, state or federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional pretreatment is required for the user to meet applicable Pretreatment Standards;

(9) If additional pretreatment will be required to meet the Pretreatment Standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:

(a) The schedule must be acceptable to the city.

(b) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards.

(c) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the General Superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress and the reason for delay, and the

steps being taken by the user to return the construction to the schedule established.

(10) Each product produced by type, amount, process or processes, and rate of production;

(11) Type and amount of raw materials processed (average and maximum per day);

(12) Number of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

(13) Any other information as may be deemed by the city to be necessary to evaluate the permit application.

(14) A copy of the industry's written environmental control program, policy, or comparable document.

(C) Issuance. The MUPB shall evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished and determination that adequate capacity exists at the sewerage facilities to convey, treat and dispose of the wastewaters, the General Manager or his designee may issue an industrial user permit subject to terms and conditions provided therein. The industrial user permit must be issued prior to commencement of discharge. The General Manager may withhold or discontinue water service until the discharge permit is issued. All new source categorical industries shall be capable of achieving compliance with this chapter upon commencement of discharge. The General Manager shall provide notice to each significant industrial user of the issuance of the user's industrial user permit. Any person, including the User, may petition the General Manager to reconsider the terms of a permit within fifteen (15) days of notice of its issuance.

(1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(2) In its petition, the appealing party must indicate the permit provisions objected to, the reasons for this objection and the alternative condition, if any, it seeks to place in the permit.

(3) The effectiveness of the permit shall not be stayed during the appeal.

(4) If the General Manager fails to act within thirty (30) days of receipt of the appeal, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a permit, not to issue a permit, or not to modify a permit shall be considered final administrative actions for purposes of judicial review.

(5) Aggrieved parties seeking judicial review of the final administrative action and/or the permit must do so by filing a complaint with the Rowan County Circuit Court in accordance with the appropriate procedures of that court and any statute of limitations.

(D) General discharge permits. The General Manager may issue a general discharge permit to any user who, in the opinion of the General Manager, has a potential to cause harm to the POTW and/or endanger POTW personnel or the general public. Users required by the General Manager to obtain such a permit shall complete an application with the MUPB in the form prescribed by the General Manager. Users regulated by a general discharge permit are subject to all provisions of this chapter. The general discharge permits may contain all the provisions as listed for industrial user permits in § 52.48. The General Manager may use general discharge permits to control discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:

(1) Involve the same or substantially similar types of operations;

(2) Discharge the same types of wastes;

(3) Require the same effluent limitations;

(4) Require the same or similar monitoring; and

(5) In the opinion of the General Manager, are more appropriately controlled under a general permit than under individual wastewater discharge permits.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96; Am. Ord. 02:2012, passed 1-25-12)

§ 52.47 PERMIT MODIFICATIONS.

The General Manager may modify an industrial user permit for good cause, including, but not limited to, the following reasons:

(A) To incorporate any new or revised federal, state or local pretreatment standards or requirements;

(B) To address significant alterations or additions to the user's operation, processes or wastewater volume or character since the time of the individual wastewater discharge permit issuance;

(C) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(D) Information indicating that the permitted discharge poses a threat to the Morehead POTW, personnel, biosolids disposal and/or the receiving stream;

(E) Violation of any terms or conditions of the industrial user permit;

(F) Misrepresentations of failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(G) Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR 403.13; or

(H) To correct typographical or other errors in the discharge permit.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96; Am. Ord. 02:2012, passed 1-25-12)

§ 52.48 PERMIT CONDITIONS.

Industrial user permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the MUPB. The General Manager may authorize an industrial user subject to a Categorical Pretreatment Standard to forego sampling of a pollutant regulated by a Categorical Pretreatment Standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user. This authorization is subject to the conditions established in 40 CFR 403.12(e)(2). Permits may contain the following:

(A) The unit surcharges or schedule of other charges and fees for the wastewater to be discharged to a sanitary sewer;

(B) Effluent limits, including Best Management Practices, on the average and/or maximum wastewater constituents and characteristics;

(C) Limits on average and/or maximum rate and time of discharge or requirements for flow regulations and equalization;

(D) Requirements for installation and maintenance of inspection and sampling facilities;

(E) Specifications for monitoring programs which may include sampling locations; frequency of sampling; number, types and standards for tests; and reporting schedule;

(F) Compliance schedules;

(G) Requirements for submission of technical reports or discharge reports;

(H) Requirements for maintaining and retaining, for a minimum of three (3) years, all plant records relating to pretreatment and/or wastewater discharge as specified by the MUPB, and affording MUPB access thereto as required by 40 CFR 403.12(o)(2);

(I) Requirements for notification of the MUPB of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

(J) Requirements for notification of slug discharges;

(K) The permit may require the user to reimburse the MUPB for all expenses related to monitoring, sampling and testing performed at the direction of the General Manager and deemed necessary by the MUPB to verify that the user is in compliance with the permit;

(L) Other conditions as deemed appropriate by the MUPB to ensure compliance with this chapter;

(M) A statement that indicates the industrial user permit issuance date, expiration date and effective date;

(N) A statement that the industrial user permit is nontransferable;

(O) Requirements to control slug discharge, if determined by the General Manager to be necessary;

(P) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with this chapter. Any grant of a waiver by the General Manager must be included as a condition in the user's permit; and

(Q) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state or local law.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96; Am. Ord. 02:2012, passed 1-25-12)

§ 52.49 ALTERNATIVE DISCHARGE LIMITS.

(A) Where an effluent from a categorical industrial process(es) is mixed prior to treatment with wastewater other than that generated by the regulated process, fixed alternative discharge limits may be derived for the discharge permit by the General Superintendent. These alternative limits shall be applied to the mixed effluent and shall be calculated using the Combined Wastestream Formula and/or Flow-Weighted Average Formula as defined in § 52.02.

(B) Where the effluent limits in a Categorical Pretreatment Standard are expressed only in terms of mass of pollutants per unit of production (production-based standard), the General Superintendent may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or of effluent concentration for purposes of calculating effluent permit limitations applicable to the permittee. The permittee shall be subject to all permit limits calculated in this manner under 40 CFR 403.6(c) and must fully comply with these alternative limits.

(C) All categorical users subject to production-based standards must report production rates annually so that alternative permit limits can be calculated if necessary. The categorical industrial user must notify the General Superintendent thirty (30) days in advance of any

major change in production levels that will affect the limits for the discharge permit.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96)

§ 52.50 PERMIT DURATION.

Industrial user permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than one (1) year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of sixty (60) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements as identified in §§ 52.30 - 52.39 are modified or other just cause exists. The user shall be informed of any proposed changes in their permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96)

§ 52.51 PERMIT TRANSFER.

Industrial user permits are issued to a specific user for a specific operation. An industrial user permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without a thirty (30) day prior notification to the General Superintendent and provision of a copy of the existing permit to the new owner. The General Superintendent may deny the transfer of the permit if it is deemed necessary.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96)

§ 52.52 COMPLIANCE DATA REPORTING.

Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards or, in the case of a new user, following commencement of the introduction of wastewater into POTW, any user subject to Federal Categorical Pretreatment Standards and Requirements shall submit to the General Manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Categorical Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the user's facility which are limited by such Categorical Pretreatment Standards or Requirements. The report shall state whether the applicable Categorical Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional pretreatment and time schedule is necessary to bring the user into compliance with the applicable Categorical Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the user. Where compliance schedules are required, the following conditions shall apply:

(A) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for

the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(B) No increment referred to above shall exceed nine (9) months;

(C) The user shall submit a progress report to the General Manager no later than fourteen (14) days following each date in the schedule and the final date of compliance including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96; Am. Ord. 02:2012, passed 1-25-12)

§ 52.53 PERIODIC COMPLIANCE REPORTS.

(A) All significant industrial users shall submit, to the General Manager, every six (6) months or on dates specified in the industrial user permit, unless required more frequently by the permit, a report indicating, at a minimum, the nature and concentration of pollutants in the effluent which are limited by Pretreatment Standards or the discharge permit. The report shall also include the chain-of-custody (COC) forms, field data and any other information required by the General Manager. In addition, this report shall include a record of all daily flows or the average daily flow. At the discretion of the General Manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the General Manager may agree to alter the months during which the above reports are to be submitted. All periodic compliance reports must be signed and certified in accordance with 40 CFR 403.12 and § 52.61 of this chapter.

(B) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge. All analyses shall be performed by a laboratory acceptable to the MUPB. Analytical procedures shall be in accordance with procedures established by the U.S. EPA Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR Part 136, and amendments thereto and 40 CFR 261 or with any other test procedures approved by the U.S. EPA Administrator. Sampling shall be performed in accordance with the techniques approved by the U.S. EPA Administrator. Except as indicated in sections (a) and (b) below, the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the General Manager. Where time-proportional composite sampling or grab sampling is authorized by the General Manager, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate

EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the General Manager, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits. (a) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides and volatile organic compounds must be obtained using grab collection techniques. (b) For sampling required in support of baseline monitoring and 90-day compliance reports required in 40 CFR 403.12(b) and (d), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the General Manager may authorize a lower minimum. For the reports required by 40 CFR 403.12(e) and (h), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

(C) Where 40 CFR 136 does not include a sampling or analytical technique for the pollutant(s) in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants", April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the U.S. EPA Administrator.

(D) A Baseline Monitoring Report (BMR) must be submitted to the General Manager by all categorical industrial users at least ninety (90) days prior to initiation of discharge to the sanitary sewer. The BMR must contain, at a minimum, the following:

(1) Production data: a process description, SIC code number, raw materials used, chemicals used, final product, pretreatment industrial category (if applicable), and a schematic which indicates points of discharge to the sewer system.

(2) Identifying information to include name, address of facility, owner(s), contact person and any other permits held by the facility.

(3) Wastewater characteristics: total plant flow, types of discharges, average and maximum flows from each process.

(4) Nature/concentration of pollutants: analytical results for all pollutants regulated by this chapter and/or any applicable federal pretreatment standard and sample type and location. All analyses must conform with 40 CFR Part 136 and amendments thereto.

(5) Information concerning any pretreatment equipment used to treat the facility's discharge.

(6) Compliance certification. A statement, reviewed by the user's authorized representative as defined in § 52.02 and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

(7) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this section must meet the requirements set out in § 52.52 of this chapter.

(E) New sources shall give estimates of the information requested in sections (3) and (4) above, but at no time shall a new source commence discharge(s) to the public sewer of substances that do not meet provisions of this chapter. All new sources must be in compliance with all provisions of this chapter, state and federal pretreatment regulations prior to commencement of discharge to the public sewer.

(F) Compliance schedule progress reports. The following conditions shall apply to all compliance schedules required by this chapter:

(1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable Pretreatment Standards;

(2) No increment referred to above shall exceed nine (9) months;

(3) The user shall submit a progress report to the General Manager no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and in no event shall more than nine (9) months elapse between such progress reports to the General Manager.

(G) Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements and documentation associated with Best Management Practices as may be required. Records shall include the date, exact place, method and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall automatically

be extended for the duration of any litigation concerning the user or the MUPB or where the user has been specifically notified of a longer retention by the General Manager.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96; Am. Ord. 02:2012, passed 1-25-12)

§ 52.54 PERMIT VIOLATIONS.

(A) All significant industrial users must notify the General Superintendent within twenty-four (24) hours of first becoming aware of a permit violation. This notification shall include the date of violation, the parameter violated and the amount in exceedance.

(B) The user shall immediately repeat the sampling and analysis of the parameter(s) in question and submit the results to the General Superintendent within thirty (30) days after becoming aware of the violation. Exception to this regulation is only if the city performs the sampling within the same time period for the same parameter(s) in question.

(C) Compliance with the terms of an industrial user permit shall be deemed in compliance with the terms of this chapter.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96)

§ 52.55 MONITORING REQUIREMENTS.

(A) The city may require significant users to provide and operate, at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage system. The monitoring facility should normally be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in a public right-of-way. The General Superintendent shall review and approve the location, plans, and specifications for such monitoring facilities and may require them to be constructed to provide for the separate monitoring and sampling of industrial waste and sanitary sewage flows.

(B) There shall be ample room in or near the sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility shall be designed and maintained in a manner such that the safety of city and industrial personnel shall be foremost. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

(C) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following approval of the location, plans and specifications.

(D) All sampling analyses done in accordance with approved federal EPA procedures by the industrial user during a reporting period

shall be submitted to the General Superintendent, regardless of whether or not sampling analyses were required by the significant industrial user's discharge permit.

(E) A significant industrial user must receive the approval of the General Superintendent before changing the sampling point and/or monitoring facilities to be used in all required sampling.
(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96)

§ 52.56 INSPECTION; SAMPLING.

(A) The city shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the General Superintendent or his representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, copying records, records examination, or in the performance of any of their duties.

(B) The city, Approval Authority, and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, Approval Authority and EPA will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.
(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96)

§ 52.57 PRETREATMENT.

All significant industrial users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. The city may require the development of a compliance schedule for installation of pretreatment technology and/or equipment by any industrial user that cannot meet discharge limits required by this chapter. Any facilities required to pretreat wastewater to a level required by this chapter shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.
(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96)

§ 52.58 ANNUAL PUBLICATION.

(A) The MUPB shall annually publish in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of users which were in significant non-compliance with any pretreatment requirements or standards. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve (12) months. The costs to the MUPB resulting from such publication shall be borne on a proportional basis by the significant industrial users published.

(B) All records relating to the city's pretreatment program shall be made available to officials of the EPA or Approval Authority upon request. All records shall be maintained for a minimum of three (3) years in accordance with 40 CFR 403.12(O)(2).

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96; Am. Ord. 02:2012, passed 1-25-12)

§ 52.59 SIGNIFICANT NON-COMPLIANCE.

A user is defined as being in significant non-compliance when it meets one or more of the following criteria:

(A) Chronic violations of wastewater discharge limits, defined herein as when sixty-six percent (66%) or more of all measurements for a pollutant parameter taken during a six (6) month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(B) Technical review criteria (TRC) violations, defined herein as those in which thirty-three percent (33%) or more of all measurements for a pollutant parameter taken during a six (6) month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, and oil and grease, and equals 1.2 for all other pollutants except pH);

(C) Any violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of the POTW personnel or the general public);

(D) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment or has resulted in the POTW's use of its emergency authority under 40 CFR 403 to halt or prevent such a discharge;

(E) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in an industrial user permit or enforcement order for starting or completing construction or attaining final compliance;

(F) Failure to report noncompliance accurately;

(G) Failure to provide required reports within thirty (30) days of the due date; and

(H) Any violation or group of violations which may include a violation of Best Management Practices, which the MUPB determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96; Am. Ord. 02:2012, passed 1-25-12)

§ 52.60 CONFIDENTIAL INFORMATION.

(A) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests in writing and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

(B) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to governmental agencies for uses related to this chapter, the NPDES/KPDES permit, sludge disposal system permit and/or the pretreatment programs upon request. Such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics shall not be recognized as confidential information and shall be available to the public without restriction.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96)

§ 52.61 SIGNATORY REQUIREMENTS.

All applications, reports or information submitted to the MUPB shall be signed and certified in accordance with the following requirements. Written designation of the signatory official must be received by the MUPB prior to acceptance of any application or other required document.

(A) All permit applications shall be signed:

(1) For a corporation: by a principal executive officer of at least the level of vice-president;

(2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.

(B) All other correspondence, reports and self-monitoring reports may be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described above;

(2) The authorization specifies either an individual or a position having facility or activity, such as the position of plant manager, Manager or position of equivalent responsibility.

(C) Certification. Any person signing a document under this section shall make the following written certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(1) A facility determined to be a non-significant categorical industrial user by the General Manager pursuant to § 52.02 "Definitions" of this chapter must annually submit the following certification statement signed in accordance with the signatory requirements in this section. This certification must accompany any alternative report required by the General Manager:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the Categorical Pretreatment Standards under 40 CFR [Part], I certify that, to the best of my knowledge and belief that during the period from [month/day], [year] to [month/day], [year]:

(a) The facility described as [Facility Name] met the definition of a non-significant categorical industrial user as described in § 52.02 "Definitions" of this chapter;

(b) The facility complied with all applicable Pretreatment Standards and Requirements during this reporting period; and

(c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period."

(2) Users that have an approved monitoring waiver based on § 52.48 "Permit conditions" of this chapter must certify each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the user:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for

40 CFR [Part], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant] in the wastewaters due to the activities at the facility since filing of the last periodic report as required by § 52.53 "Periodic compliance reports" of this chapter."

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96; Am. Ord. 02:2012, passed 1-25-12)

FEEES

§ 52.70 PURPOSE.

This subchapter provides for the recovery of costs from users of the POTW for the implementation of the program established herein and for other costs associated with the installation, monitoring and treating of wastewaters. The applicable charges and fees shall be as set forth herein.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96; Am. Ord. 18:2009, passed 8-10-09)

§ 52.71 TAP FEES.

(A) Effective September 1, 2009, any person, firm, corporation or legal entity desiring to connect or tap onto any residential sewer line of the City of Morehead/Morehead Utility Plant Board shall first pay to the Morehead Utility Plant Board a connection or tapping charge as follows:

(1) Gravity. Six hundred dollars (\$600.00) for the first tap and two hundred dollars (\$200.00) for each additional tap made off of the service line from the first tap.

(2) Grinder Pump. Three thousand dollars (\$3,000.00) each for such tap.

(B) Effective September 1, 2009, any person, firm, corporation or legal entity desiring to connect or tap onto any industrial or commercial sewer line of the City of Morehead/Morehead Utility Plant Board shall first pay to the Morehead Utility Plant Board a connection or tapping charge as follows:

(1) Gravity. Minimum of six hundred dollars (\$600.00) plus twenty dollars (\$20.00) per fixture over twenty (20) fixtures. A fixture is as defined by the plumbing code.

(2) Grinder Pump. The actual cost of materials and labor with a minimum cost of three thousand dollars (\$3,000.00) each for such tap.

(Ord. 18:2009, passed 8-10-09)

§ 52.72 CHARGES AND FEES.

(A) The city may adopt additional charges and fees which may include:

(1) Fees for reimbursement of costs of setting up and operating the city's pretreatment program;

(2) Fees for monitoring, inspections and surveillance procedures;

(3) Fees for reviewing accidental discharge procedures and construction;

(4) Fees for permit applications;

(5) Fees for filing appeals;

(6) Fees for consistent removal by the POTW of excessive strength conventional pollutants;

(7) Fees for all costs directly related to investigation of a prohibited discharge;

(8) Other fees as the city may deem necessary to carry out the requirements contained herein.

(B) The following schedule of user charges rates shall apply to each user of the wastewater treatment works.

Wastewater Services Monthly Rate Schedule

TOTAL GALLONS WATER CONSUMPTION/MONTH	2013-14 FISCAL YEAR	JULY 1, 2014 & THEREAFTER	UNIT
<u>CITY RATES</u>			
0-2,000	\$ 7.70	\$ 8.77	per 1,000
Over 2,000	\$ 3.99	\$ 4.55	
<u>COUNTY RATES</u>			
0-2,000	\$ 9.23	\$10.53	per 1,000
Over 2,000	\$ 4.63	\$ 5.28	
<u>RCSD RATES</u>			
0-2,000	\$15.39	\$17.54	per 1,000
Over 2,000	\$ 7.19	\$ 8.20	
<u>FARMERS/MIDLAND/SALT LIKE (BATH CO.) RATES</u>			
0-2,000	\$19.77	\$22.54	per 1,000
Over 2,000	\$ 7.19	\$ 8.20	

(C) (1) For those users whose waste water has a greater strength than normal domestic waste water as defined in 52.31(J), a surcharge in addition to the normal user charge will be imposed and collected.

(2) The following surcharge rates shall apply to each user of the treatment works that has received permission from the superintendent or designated authority to contribute waste water with a greater strength than normal domestic waste water:

PARAMETER	SURCHARGE RATE
BOD ₅	\$0.155 Per Pound
TSS	\$0.132 Per Pound
COD	\$0.200 Per Pound
NH ₃ -H	\$0.200 Per Pound
Oil and Grease	\$0.250 Per Pound
(Total)	

(3) Method of Billing Surcharges. The excessive strength surcharge shall be based on a formula (See Example Below), with the total applied to the monthly bill of affected users:

$$\text{Surcharge Payment} = [A(D-250) + B(E-300) + C(F-30) + G(H-150)] \\ \times 0.00834 \times M.$$

$$\text{OR} \quad = [J(K-750) + B(E-300) + C(F-30) + G(H-30)] \\ \times 0.0834 \times M.$$

where the formula giving the larger surcharge payment will be used each month.

(4) Where formula components are as follows:

- A. Surcharge rate for BOD₅, in \$/pound.
- B. Surcharge rate for TSS, in \$/pound.
- C. Surcharge rate for NH₃N, in \$/pound.
- G. Surcharge rate for O&G (Total), in \$/pound.
- J. Surcharge rate for COD, in \$/pound.
- D. User's average BOD₅ concentration, in mg/l.
- E. User's average TSS concentration, in mg/l.
- F. User's average NH₃N concentration, in mg/l.
- H. User's average O&G (Total), in mg/l.
- K. User's average COD concentration, mg/l.
- M. User's monthly flow to sanitary sewer system, per 1,000 gallons.

No reduction in wastewater service charges, fees, or taxes shall be permitted because of the fact that certain wastes discharged to the wastewater works contain less than normal domestic wastewater contaminant limits.

(5) The Superintendent of the Morehead Utility Plant Board may require pretreatment of wastes containing other pollutants before discharge to the city's sewers is approved. Such treatment, if required, shall be based on the type and quantity of pollutant.

(D) These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the city. (Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96; Am. Ord. 20:98, passed 10-12-98; Am. Ord. 09:2001, passed 4-9-01; Am. Ord. 35:2003, passed 12-8-03; Am. Ord. 18:2009, passed 8-10-09; Am. Ord. 13:2013, passed 6-10-13)

§ 52.73 FEES APPLICABLE TO HAULED WASTES.

(A) The applicable fees pertaining to the discharge of trucked and/or hauled wastes into the city's sanitary sewer system shall be as follows:

(1) An application fee of twenty-five dollars (\$25.00) shall accompany each permit application to cover the cost of the discharge permit for a period of one (1) year. New permit applications received during the year shall be pro-rated based on the number of full months remaining in the year;

(2) Fees for all costs incurred by the MUPB in monitoring, inspections, and surveillance procedures may be assessed. These fees will only be billed on an extraordinary basis unless otherwise deemed necessary by the General Superintendent;

(3) Fees for all costs directly related to investigation of a prohibited discharge may be assessed to the source of such discharge;

(4) Fees for all costs incurred as a result of the filing of appeals may be assessed to the appellant; and

(5) Other fees and expenses for all costs incurred by the MUPB to carry out the requirements contained in this chapter may be assessed.

(B) These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the city. (Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96; Am. Ord. 18:2009, passed 8-10-09)

POWERS AND AUTHORITY OF INSPECTORS

§ 52.80 RIGHT TO ENTER PREMISES.

The General Superintendent and other duly authorized employees and representatives of the city and authorized representatives of applicable federal and state regulatory agencies bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, records examination and copying, measurement, sampling, and testing pertinent to discharges to the public sewer system in accordance with the provisions of this chapter.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96)

§ 52.81 RIGHT TO OBTAIN INFORMATION REGARDING DISCHARGE.

Duly authorized representatives of the city and representatives of the state and EPA are authorized to obtain information including but not limited to copying of records concerning character, strength and quantity of industrial wastes which have a direct bearing on the kind and source of discharge to the wastewater collection system.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96))

§ 52.82 ACCESS TO EASEMENTS.

Duly authorized employees and representatives of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, construction, inspection, observation, measurement, sampling, repair, and maintenance of any portions of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96)

§ 52.83 SAFETY.

While performing the necessary work on private properties referred to in § 52.82, all duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company. The

city shall secure the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by this chapter.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96)

ENFORCEMENT

§ 52.90 GENERAL.

(A) The city, through the General Superintendent or his designee, to insure compliance with this chapter, and as permitted through 40 CFR Subchapter N, and 401 KAR 5:057, may take the following enforcement steps against users in non-compliance with the chapter. The remedies available to the POTW include injunctive relief, civil and criminal penalties, immediate discontinuance of discharges and/or water service and the publishing of the list of significant industrial users in significant noncompliance annually. The enforcement authority shall be vested in the General Superintendent or his designee.

(B) The General Superintendent may suspend the wastewater treatment service, an industrial user permit and/or a hauled waste discharge permit when suspension is necessary, in the opinion of the General Superintendent, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the city to violate any condition of its NPDES/KPDES Permit.

(C) Any user notified of a suspension of wastewater treatment service, its industrial user permit and/or its hauled waste discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, the collection system and/or endangerment to any individuals. The city shall reinstate the industrial user permit, wastewater treatment service and/or the hauled waste discharge permit upon receiving proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the city within fifteen (15) days of the date of occurrence.

(D) In the event of termination of service, the significant industrial user shall pay the MUPB for all costs incurred to perform the disconnection and reconnection of service plus fifteen percent (15%) administrative costs prior to the service being restored. If actual costs cannot be determined, the costs shall be estimated by the General Superintendent.

(E) The enforcement actions and remedies provided for in this chapter are not exclusive. The General Manager may take any, all, or combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the MUPB's Enforcement Response Plan. However, the General Manager may take other action against any user when the circumstances warrant. Further, the General Manager is empowered to take more than one enforcement action against any noncompliant user.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96; Am. Ord. 02:2012, passed 1-25-12)

§ 52.91 NOTICE OF VIOLATION.

(A) Any user found to be violating any provisions of this chapter, industrial user permit, or any order or permit issued hereunder, shall be served by the city with written notice stating the nature of the violation(s). Within ten (10) days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the General Superintendent. Submission of this plan in no way relieves the user of potential liability for any violation occurring before or after receipt of the notice of violation.

(B) If the violations persist or the explanation and/or plan are not adequate, the city's response shall be more formal and commitments (or schedules as appropriate) for compliance will be established in an administrative order. The enforcement response selected will be related to the seriousness of the violation and will be as outlined in the Enforcement Response Plan. Enforcement responses will be escalated if compliance is not achieved expeditiously after the initial action. Identification of significant non-compliance as defined in § 52.59 will require a formal enforcement action.

(C) The full scale of enforcement actions will be as detailed in the Enforcement Response Plan (ERP).

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96)

§ 52.92 ADMINISTRATIVE ORDERS.

(A) Any user who after receiving a notice of violation shall continue to discharge in violation of this chapter or other pretreatment standards or requirements or is determined to be in significant noncompliance, shall be ordered to appear before the General Superintendent. At the appearance, a compliance schedule will be given to the noncompliant user and an administrative fine assessed. The fine shall be determined on a case-by-case basis which shall consider the type and severity of violations, duration of violations, number of violations, severity of impact on the POTW, impact on human health, users economic benefit from the violations, history of violations, good faith of the user, and shall be a non-arbitrary but appropriate amount.

(B) Users desiring to dispute such fines shall file with the General Superintendent a request for the Morehead Utility Plant Board to reconsider the fine. This appeal must be filed within ten (10) days of the date of being notified of the fine. The Morehead Utility Plant Board shall convene a hearing on the matter within fifteen (15) days of receiving such a request from the user. The decision of the Morehead Utility Plant Board shall be final.

(C) The administrative order may take any of the following three forms.

(1) Consent orders. The General Superintendent or his

designee is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the non-compliance. The orders will include specific actions to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as orders issued pursuant to § 52.92.

(2) Compliance Orders. When the General Superintendent or his designee finds that a user has violated or continues to violate the chapter or a permit or order issued thereunder, he may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances and equipment have been installed and are properly operated. Compliance orders may also contain such other requirements as might be reasonably necessary and appropriate to address the non-compliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

(3) Cease and Desist Orders. When the General Superintendent finds that a user has violated or continues to violate this chapter or any permit or order issued hereunder, the General Superintendent may issue an order to cease and desist all such violations and direct the user in non-compliance to:

(a) comply forthwith, or

(b) take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96)

§ 52.93 SHOW CAUSE HEARING.

(A) The General Superintendent or his designee may issue to any user who causes or contributes to violations of this chapter, or permit or order issued hereunder, an order to appear and show cause why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the General Superintendent regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause, before the Superintendent, why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any authorized representative of the user. Whether or not a duly user or its authorized representative appears, immediate enforcement action may be pursued by the General Superintendent.

(B) The General Superintendent, himself, conduct the hearing and take the evidence, or designate a representative to:

(1) Issue, in the name of the city, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;

(2) Take the evidence; and

(3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the General Superintendent for action thereon.

(C) At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

(D) After the city has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service will be discontinued unless adequate treatment facilities, devices, or other related appurtenances are properly installed and operated. Further orders and directives as are necessary and appropriate may be issued.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96)

§ 52.94 ADDITIONAL ENFORCEMENT REMEDIES.

(A) Performance Bonds. The General Superintendent may decline to reissue a permit to any user which has failed to comply with the provisions of this chapter or any order or previous permit issued hereunder unless such user first files with MUPB a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the General Superintendent to be necessary to achieve consistent compliance.

(B) Liability Insurance. The General Superintendent may decline to reissue a permit to any user which has failed to comply with the provisions of this chapter or any order or previous permit issued hereunder, unless the industrial user first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96)

§ 52.95 ENFORCEMENT RESPONSE PLAN.

(A) The city hereby adopts by reference the Enforcement Response Plan (herein referred to as "ERP") for the purpose of providing a standardization to enforcement actions taken by the city for violations to this chapter.

(B) Amendments to the ERP may be adopted by the city from time to time by resolution which incorporates the ERP as amended into this chapter by reference only.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96)

§ 52.99 PENALTIES.

(A) Written Notice.

(1) Any user found to be violating any provision of this chapter or a permit or order issued hereunder, shall be served by the General Superintendent or his designee with written notice stating the nature of the violation. The user shall permanently remedy all violations upon receipt of this notice.

(2) As contained in §§ 52.90 - 52.95, the notice may be of several forms. Also as contained in § 52.95, penalties of various forms may be levied against users for violations of this chapter. The penalties, if levied, shall range from publication of violators in the local newspaper to administrative fines of up to ten thousand (\$10,000.00) dollars per day per violation.

(B) Revocation of Permit.

(1) Any user violating any of the provisions of this chapter or a permit or order issued hereunder, may be subject to termination of its authority to discharge sewage into the municipal sewer system. Termination may be immediate if necessary for the protection of the POTW. The user may also have water service terminated.

(2) Any user who violates the following conditions of this chapter, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of this chapter:

(a) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;

(b) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;

(c) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; and/or,

(d) Violation(s) of conditions of the industrial user permit.

(3) Any user whose permit has been revoked shall immediately stop all discharge(s) of any water-borne wastes covered by the permit to any public sewer that is tributary to the sanitary sewer system of the city. The General Superintendent may disconnect or permanently block from the sewer the connection sewer of any user whose permit has been revoked if such action is necessary, in the option of the General Superintendent, to insure compliance with the order of revocation.

(4) Before any further discharge of wastewater may be made by the user, a new permit must be applied for and all charges that would be required upon initial application together with all delinquent fees,

charges and penalties and such other sums as the user may owe to the city must be paid in full. Costs incurred by the city in revoking the permit and disconnecting the connection sewer shall be paid for by the user before issuance of a new permit authorizing discharge.

(C) Liability. Any user violating any of the provisions of this chapter, a permit or other order issued hereunder shall become liable to the city and the Morehead Utility Plant Board for any expense, loss or damage occasioned by the city by reason of such violation. This civil liability is as provided by state and federal regulations.

(D) Destruction of POTW. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the POTW. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct. It shall be noted that the Clean Water Act does not require proof of specific intent to obtain conviction.

(E) Legal Action. If any person discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system contrary to the provisions of this chapter, federal or state Pretreatment Requirements, or any order of the city, the Morehead Utility Plant Board may commence an action for appropriate legal and/or equitable relief in the appropriate Court of this jurisdiction.

(F) Injunctive Relief. Whenever an industrial user has violated or continues to violate the provisions of this chapter or permit or order issued hereunder, the General Superintendent, through counsel may petition the Court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the industrial user.

(G) Civil Penalties.

(1) Any user who is found to meet the definition of significant noncompliance or violates this chapter or any order or permit issued hereunder, shall be liable to the General Superintendent for a civil penalty of not more than ten thousand (\$10,000.00) per day plus actual damages incurred by the POTW per violation per day for as long as the violation or significant noncompliance continues. Each day in which a violation shall continue shall be deemed a separate offense. In addition to the above described penalty and damages, the General Superintendent may recover reasonable attorney's fees, court costs, court reporter's fees, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

(2) The General Superintendent may petition the Court to impose, assess and recover such sums. In determining amount of liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the

compliance history of the user, and any other factor as justice requires.

(H) Criminal Prosecution.

(1) Any user who willfully or negligently violates any provision of this chapter or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed ten thousand (\$10,000.00) dollars per violation per day or imprisonment for not more than one (1) year or both.

(2) In the event of a second conviction, the user shall be punishable by a fine not to exceed twenty-five thousand (\$25,000.00) dollars per violation per day or imprisonment for not more than three (3) years or both.

(I) Misrepresentation and/or Falsifying Documents. Any user who knowingly and/or negligently makes any false statements, representations or certification of any application, record, report, plan or other document filed or required pursuant to this chapter or industrial user permit or who falsifies, tampers with, or knowingly and/or negligently renders inaccurate any monitoring device or method required under this chapter, shall be punished by a fine of at least one thousand (\$1,000.00) dollars or by imprisonment for not more than twelve (12) months or by both.

(Ord. 14:95, passed 5-25-95; Am. Ord. 5:96, passed 3-12-96)